

## **REMARKS**

### **Claim Rejections - 35 U.S.C. § 102**

The Examiner has rejected claims 30 and 36 under 35 USC 102(e) as being anticipated by Demirlioglu et al. (U.S. Patent No, 5,571,744). The Applicant respectfully traverses. Demirlioglu does not teach the element of independent claim 30 of “forming a pair of sidewall spacers having a first height above the substrate surface on opposite sides of the gate electrode, wherein the first height is greater than the sum of the first, second and third thicknesses on the gate electrode.” In contrast, Demirlioglu teaches sidewall spacers having a height equal to the height of the thicknesses of the layers formed on the gate electrode, as is clearly depicted in Figure.12 of Demirlioglu. Therefore, the Applicant respectfully submits that claim 30, and claim 36 that depends upon claim 30 and incorporates its limitations, are not anticipated by Demirlioglu.

### **Claim Rejections - 35 U.S.C. § 103**

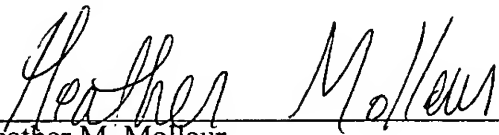
The Examiner has rejected claims 32 and 37 under 35 USC 103(a) as being unpatentable over Demirlioglu et al. ('744) in view of Moslehi (U.S. Patent No. 5,168,072). The Applicant respectfully traverses. Demirlioglu in view of Moslehi does not teach all of the elements of the Applicant's claims. As discussed above, Demirlioglu does not teach all of the elements of claim 30. Also, Moslehi fails to teach this element. Therefore, because claims 32 and 37 both depend upon claim 30 and incorporate the limitations of claim 30, claims 32 and 37 are not obvious in light of Demirlioglu in view of Moslehi.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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